Cumulative Table of Cases Connecticut Appellate Reports Volume 205

(Replaces Prior Cumulative Table)

Allco Renewable Energy Ltd. v. Freedom of Information Commission	144
Antonio A. v. Commissioner of Correction	46
Habeas corpus; request for order to show cause pursuant to statute (§ 52-470 (d) and (e)); claim that habeas court erred in failing to afford petitioner's counsel reasonable opportunity to investigate cause of delay in filing second habeas petition; whether habeas court was obligated to delay its consideration of respondent's request for order to show cause because petitioner's counsel represented to court that it was possible that, in future, petitioner could pursue actual innocence claim in amended petition; whether habeas court abused its discretion in refusing to afford petitioner any additional time prior to acting on respondent's request for order to show cause; whether petitioner's counsel was on notice of purpose of hearing on respondent's request; claim that habeas court erred in denying petitioner's motion for reconsideration; whether habeas court abused its discretion in treating motion for reconsideration as motion to open judgment; claim that habeas court erred in denying petition for certification to appeal; claim that habeas court erred in denying motion for permission to file late amended petition for certification to appeal and for reconsideration of denial of petition for certification to appeal; claim that habeas court erred in dismissing petitioner's third habeas petition; whether habeas court's dismissal of third habeas petition under rule of practice (§ 23-29 (3)) during its preliminary consideration of petition and prior to issuing writ of habeas corpus was procedurally improper; whether proper remedy was for habeas court to issue writ and, following appointment	46
of counsel, petitioner be given opportunity to rectify any pleading deficiencies.	173
Anderson v. Commissioner of Correction	173
Habeas corpus; whether habeas court improperly denied petition for writ of habeas corpus; claim that trial counsel rendered ineffective assistance by failing to pursue defense of lack of capacity due to mental disease or defect; adoption of habeas court's memorandum of decision as proper statement of relevant facts, issues and applicable law on issues.	
Bank of New York Mellon v . Gilmore (Memorandum Decision)	901
Bank of New York Mellon v . Hatheway (Memorandum Decision)	903
Banks v . Commissioner of Correction	337
Habeas corpus; dismissal of habeas petition as untimely pursuant to applicable statute (§ 52-470 (c) and (e)); whether habeas court abused its discretion in denying petition for certification to appeal; whether petitioner was entitled to review of his claims on appeal under State v. Golding (213 Conn. 233) or for plain error; failure to raise claims as grounds for appeal in petition for certification to appeal.	
Berka v. Middletown	213
Zoning; municipal blight citation; anti-blight ordinance; whether trial court properly granted defendants' motion to strike plaintiff's request for jury trial; whether plaintiff's claim that citation hearing officer had conflict of interest was properly raised on appeal; whether, even if citation hearing officer had conflict of interest, it was cured by de novo proceeding before trial court; whether plaintiff's constitu-	219

tional claims were properly raised on appeal; whether trial court abused its discretion in refusing to permit plaintiff to amend complaint or to argue constitutional issues; whether trial court's factual findings challenged by plaintiff on	
appeal were clearly erroneous.	
Black v. West Hartford	749
Tax appeal; motor vehicle assessment; standing; claim that defendant state agency violated statute (§ 12-71d) in recommending certain guide's schedule of motor	
vehicle values that town used to assess plaintiff's motor vehicle; claim that trial court improperly granted motion to dismiss on ground of sovereign immunity.	
Bosque v. Commissioner of Correction	480
Habeas corpus; dismissal of habeas petition as untimely pursuant to applicable	100
statute (§ 52-470 (d) and (e)); whether habeas court abused its discretion in denying petition for certification to appeal; whether petitioner was entitled to review of his unpreserved claims on appeal under State v. Golding (213 Conn. 233) or for plain error; failure to raise claims as grounds for appeal in petition for certification to appeal as required by § 52-470 (g).	
Caliber Home Loans, Inc. v. Zeller	642
Foreclosure; claim that plaintiff presented insufficient evidence that it had standing	
to foreclose on mortgage; claim that trial court incorrectly determined that defend- ant lacked standing to challenge adequacy of notice of acceleration and default under note; claim that trial court improperly admitted into evidence documents establishing notice; claim that trial court erred in its determination that plaintiff proved amount of outstanding debt; claim that trial court erred in determining that defendant did not prove its special defenses; claim that trial court erred in rendering judgment of strict foreclosure, rather than judgment of foreclosure	
by sale.	
Charles F. v. Commissioner of Correction (Memorandum Decision)	903
Collins v. Rogers (Memorandum Decision)	902 904
Conklin v. Teachers Ins. Co. (Memorandum Decision)	554
Wrongful death; subject matter jurisdiction; motion for reconsideration; claim that	994
trial court improperly granted motion to dismiss action on ground that it was barred by doctrine of sovereign immunity; whether trial court properly applied four criteria of test set forth in Spring v. Constantino (168 Conn. 563); whether action was brought against defendant police officers in their official, rather than individual, capacities.	
Dressler v. Riccio	533
Legal malpractice; breach of fiduciary duty; violation of Connecticut Unfair Trade Practices Act (CUTPA) (§ 42-110a et seq.); motion to strike; motion for summary judgment; claim that trial court improperly granted motion to strike CUTPA claim; whether representations made by attorney to prospective client regarding attorney's expertise and/or competence relate to entrepreneurial aspects of practice of law; claim that trial court improperly granted motion for summary judgment as to legal malpractice and breach of fiduciary duty claims; whether trial court lacked subject matter jurisdiction over legal malpractice and breach of fiduciary duty claims; whether legal malpractice and breach of fiduciary duty claims were ripe for review; whether form of judgment was improper as to legal malpractice and breach of fiduciary duty claims.	
Fain v. Benak	734
Negligence; unavoidable accident doctrine, discussed; motion for reconsideration; whether trial court erred in refusing to apply unavoidable accident doctrine to facts of case; whether trial court erred in granting plaintiff's motion for reconsideration and in increasing award of damages to include future medical expenses.	
Fair v. Commissioner of Correction	282
Habeas corpus; whether habeas court abused its discretion in denying petition for certification to appeal; claim that petitioner was denied constitutional right to effective assistance of counsel; claim that trial counsel failed to produce allegedly exculpatory expert testimony; claim that trial counsel failed to impeach witness for alleged motivation to cooperate with police to avoid criminal liability; claim that trial counsel failed to impeach witness with respect to his inconsistent	202
statements to police regarding identity of shooter. Fairfield Shores, LLC v. DeSalvo	96
Landlord-tenant; alleged damages to rental property in excess of security deposit; whether armed was most on basis that defendants did not challenge all indepen-	90

dent bases for trial court's judgment; claim that trial court improperly rendered judgment for plaintiff on basis of statutory (§ 47a-2) exemption for certain housing arrangements incidental to educational services from application of title 47a of General Statutes to security deposit; whether judgment correctly was rendered for plaintiff on defendants' second amended counterclaim when defendants made certain judicial admission in joint stipulation of facts concerning security deposit.	
Fernandez v. Mac Motors, Inc	669
Employment discrimination; summary judgment; whether trial court correctly determined that claim of gender discrimination in violation of Connecticut Fair Employment Practices Act (§ 46a-51 et seq.) was barred by doctrine of res judicata; whether genuine issue of material fact existed as to whether plaintiff was jurisdictionally barred from bringing gender discrimination claim in United States District Court; whether trial court correctly determined that defendant was entitled to judgment as matter of law on claim of hostile work environment because plaintiff failed to submit sufficient evidence to raise genuine issue of material fact as to such claim.	009
Finley v. Western Express, Inc	473
Uninsured motorist benefits; mootness; whether trial court properly rendered summary judgment for defendants; whether trial court properly determined that there was no genuine issue of material fact that vehicle operated by plaintiff was covered by insurance policy that did not contain provision for uninsured motorist coverage because Tennessee law governed parties' dispute and Tennessee law did not require defendants to provide such coverage.	410
Gonzalez v . Commissioner of Correction	511
Habeas corpus; whether trial counsel rendered ineffective assistance; whether petitioner's right to due process was violated because statutory (§§ 53a-8 and 53a-55a) scheme underlying conviction of manslaughter in first degree with firearm as accessory does not require state to prove as essential element of accessorial liability that petitioner intended principal's use of firearm; claim that rule petitioner sought to establish applied existing constitutional principles; whether rule petitioner sought to establish placed category of private conduct beyond power of state to punish and, thus, satisfied exception in Teague v. Lane (489 U.S. 288) to prohibition against establishing new constitutional rules of criminal procedure	
in collateral proceedings.	
Goshen Mortgage, LLC v. Androulidakis. Foreclosure; claim that trial court improperly determined that plaintiff had standing to commence foreclosure action; claim that trial court improperly granted motion to substitute plaintiff; claim that trial court improperly denied motions to dismiss; claim that trial court improperly granted motion for summary judgment as to liability; claim that trial court improperly rendered judgment of strict foreclosure; claim that trial court improperly denied motion to open judgment.	15
Gray v . Commissioner of Correction (Memorandum Decision)	901
Harris v. Commissioner of Correction	837
Idlibi v. Ollennu	660
Abuse of process; legal malpractice; malicious prosecution; negligent infliction of emotional distress; intentional infliction of emotional distress; absolute immunity; litigation privilege; motion to dismiss; whether trial court properly determined that abuse of process claim was barred by doctrine of litigation privilege; whether trial court properly determined that legal malpractice claim was barred by plaintiff's lack of attorney-client relationship with defendant; whether trial court properly determined that malicious prosecution claim was barred by doctrine of litigation privilege; whether trial court properly determined that claims of negligent and intentional infliction of emotional distress were properly barred	000
by doctrine of litigation privilege.	

In re Sequoia G	222
Termination of parental rights; claim that trial court improperly found that it was in best interests of minor children to terminate respondent mother's parental rights; whether trial court's findings, made pursuant to statute (§ 17a-112 (k)), as to children's best interests were factually supported and legally sound; whether it was inappropriate for trial court to have considered, as to emotional ties factor in § 17a-112 (k) (4), bond between children and foster parents; whether trial court's factual findings supported its conclusion under § 17a-112 (k) (3) that mother had not complied with court orders; whether trial court had obligation, sua sponte, to consider less onerous means of achieving permanency planning in absence of motion specifically seeking alternative permanency plan.	
Jackson v. Pennymac Loan Services, LLC	189
Kemon v. Boudreau . Trusts; probate appeal; whether trial court erred in determining that plaintiff had abandoned various counts at trial on basis of his counsel's statements at closing argument; whether trial court erred in rendering judgment for defendant in probate appeal instead of dismissing appeal for lack of subject matter jurisdiction because appeal became moot during its pendency.	448
Kissel v. Center for Women's Health, P.C	394
Lowthert v . Freedom of Information Commission (Memorandum Decision)	904
LPP Mortgage Ltd. v. Underwood Towers Ltd. Partnership	763
Marco v. Starr Indemnity & Liability Co	111
Mirlis v. Yeshiva of New Haven, Inc	206
Moulthrop v. State Board of Education	489

Ortiz v. Torres-Rodriguez	129
Termination of employment; recklessness; intentional infliction of emotional dis- tress; libel; whether trial court properly granted defendant's motion for summary	
judgment; adoption of trial court's memorandum of decision as proper statement of relevant facts, issues and applicable law.	
Reserve Realty, LLC v . BLT Reserve, LLC (See Reserve Realty, LLC v . Windemere Reserve, LLC)	299
Reserve Realty, LLC v. Windemere Reserve, LLC	299
Schott v. Schott Dissolution of marriage; motion to modify alimony; claim that, pursuant to plain language of separation agreement, trial court was obligated to terminate defendant's alimony obligation in light of evidence of plaintiff's cohabitation; whether trial court's application of provision of statute (§ 46b-86 (a)) governing substantial change in circumstances, instead of § 46b-86 (b), governing cohabitation, was error.	237
Small v . Commissioner of Correction (Memorandum Decision)	902
Smith v . Commissioner of Correction (Memorandum Decision)	903
State v. Arnold. Motion to correct illegal sentence; claim that defendant's right to due process was violated because sentencing court relied on materially inaccurate information at his sentencing; whether defendant's claim was reviewable under State v. Golding (213 Conn. 233); inadequate record for review. State v. Coltherst	863
Motion to correct illegal sentence; whether trial court properly dismissed motion to correct illegal sentence; whether defendant was entitled to resentencing because trial court imposed effective life sentence without having first considered defendant's age and hallmark characteristics of youth; claim that sentencing proceeding was merely academic exercise that contravened intent of legislature in eliminating availability of capital felony for juvenile defendants; claim that State v. Delgado (323 Conn. 801) was inapplicable because it could be presumed that sentencing court knew defendant previously had been sentenced to life imprisonment without possibility of release.	1
State v. Lanier	586
State v. Massaro	687
Sale of narcotics; whether trial court abused its discretion in determining that defense counsel violated rule of practice (§ 40-15) and imposing sanction as result of that violation; whether trial court abused its discretion in permitting state to go beyond scope of direct examination in cross-examining witness, converting witness into expert witness; claim that defendant's due process right to fair trial was violated as result of prosecutorial impropriety.	
State v. Sinchak	346

Tarasco v. Commissioner of Correction (Memorandum Decision)	905 368
Turner v. Commissioner of Correction (Memorandum Decision)	902
U.S. Bank National Assn. v. Poole (Memorandum Decision)	901
Veneziano v. Veneziano	718
Dissolution of marriage; motion to open judgment; claim that trial court abused its	.10
discretion in quashing certain subpoenas; whether active civil matter was pend-	
ing that would have permitted defendant to subpoena witnesses in connection	
with motion to open; claim that trial court erred in finding that defendant failed	
to establish probable cause that dissolution judgment was procured through fraud	
or mutual mistake; whether record was adequate to make determination regard-	
ing what evidence demonstrated about issue of probable cause.	
Vere C. v. Commissioner of Correction (Memorandum Decision)	904
Zachs v. Commissioner of Correction	243
Habeas corpus; whether habeas court correctly denied claim of ineffective assistance	
of counsel; whether petitioner established that there was no tactical justification	
for counsel's defense strategy; claim that it was unreasonable for counsel to	
present defense that was inconsistent with petitioner's testimony at trial; whether	
habeas court erred in concluding that petitioner procedurally defaulted on and	
waived claim that trial counsel had conflict of interest; whether claim that trial	
counsel had conflict of interest could not be procedurally defaulted because record	
was inadequate to raise it on direct appeal; claim that petitioner's waiver of	
counsel's conflict of interest was premised on cross-examination of rebuttal wit-	
nesses actually occurring; whether habeas court correctly determined that peti-	
tioner procedurally defaulted on conflict of interest claim pursuant to United	
States v. Cronic (466 U.S. 648); claim that prejudice against petitioner should	
have been presumed under Cronic because of counsel's conflict of interest; whether	
habeas court improperly declined to consider aggregate effect of trial court's	
alleged errors.	
Zealand v. Balber	376
Partition of real property; whether trial court abused its discretion in determining	
parties' respective interests in real property; whether trial court abused its discre-	
tion in precluding evidence plaintiff sought to offer regarding nonmonetary	
$contributions\ to\ defendant\ and\ children;\ claim\ that\ trial\ court\ exceeded\ its\ author-$	
ity under statute (§ 52-500 (a)) governing partitions of real property by sale;	
claim that trial court's conclusion that sale of real property was necessary under-	
mined and was inconsistent with its conclusion that sale would not promote	
parties' interests; whether trial court abused its equitable discretion in awarding	
plaintiff \$25,000 as just compensation pursuant to § 52-500 (a).	